

K&L GATES LLP
 Artoush Varshosaz (TX Bar No. 24066234)
 1717 Main Street, Suite 2800
 Dallas, TX 75201
 Telephone: (214) 939-5659
 E-mail: artoush.varshosaz@klgates.com

Stephen G. Topetzes (*pro hac vice*)
 1601 K Street, NW
 Washington, DC 20006-1600
 Telephone: (202) 778-9328
 E-mail: stephen.topetzes@klgates.com

A. Lee Hogewood, III (*pro hac vice*)
 4350 Lassiter at North Hills Ave., Suite 300
 Raleigh, NC 27609
 Telephone: (919) 743-7306
 E-mail: Lee.hogewood@klgates.com

*Counsel for Highland Capital Management Fund
 Advisors, L.P., NexPoint Advisors, L.P., Highland
 Income Fund, NexPoint Strategic Opportunities
 Fund, and NexPoint Capital, Inc.*

Davor Rukavina, Esq.
 Texas Bar No. 24030781
 Julian P. Vasek, Esq.
 Texas Bar No. 24070790
 MUNSCH HARDT KOPF & HARR, P.C.
 3800 Ross Tower
 500 N. Akard Street
 Dallas, Texas 75202-2790
 Telephone: (214) 855-7500
 Facsimile: (214) 978-4375

*Counsel for Highland Capital Management Fund
 Advisors, L.P., NexPoint Advisors, L.P., Highland
 Income Fund, NexPoint Strategic Opportunities
 Fund, and NexPoint Capital, Inc.*

**IN THE UNITED STATES BANKRUPTCY COURT
 FOR THE NORTHERN DISTRICT OF TEXAS
 DALLAS DIVISION**

In re:)	
)	Chapter 11
HIGHLAND CAPITAL MANAGEMENT, L.P.)	
)	Case No. 19-34054 (SGJ11)
Debtors.)	
)	(Jointly Administered)
)	
HIGHLAND CAPITAL MANAGEMENT, L.P.,)	
)	
Plaintiff,)	
)	
v.)	Adv. Pro. No. 21-03000 (SGJ11)
)	
HIGHLAND CAPITAL MANAGEMENT FUND)	
ADVISORS, L.P., NEXPOINT ADVISORS, L.P.,)	
HIGHLAND INCOME FUND, NEXPOINT)	
STRATEGIC OPPORTUNITIES FUND,)	
NEXPOINT CAPITAL, INC., AND CLO)	
HOLDCO, LTD,)	
)	



Defendants.)
_____)

AGREED MOTION TO CONTINUE HEARING

Defendants Highland Capital Management Fund Advisors, L.P., NexPoint Advisors, L.P., Highland Income Fund, NexPoint Strategic Opportunities Fund, and NexPoint Capital, Inc. (together, the “**Defendants**”), and Plaintiff Highland Capital Management, L.P. (the “**Debtor**,” and together with the Defendants, the “**Parties**”), hereby move the Court (the “**Motion**”) to continue the hearing on *Plaintiff’s Emergency Motion for a Temporary Restraining Order and Preliminary Injunction against Certain Entities Owned and/or Controlled by Mr. James Dondero* [Docket No. 5] (the “**Injunction Motion**”) from February 18, 2021 at 9:30 a.m. (Central Time) to March 29, 2021 at such time that is convenient to the Court, or as soon thereafter as the Court may determine. In support thereof, the Parties respectfully represent to the Court as follows:

1. The Parties respectfully request that the Court continue the hearing on the Injunction Motion from February 18, 2021 at 9:30 a.m. (Central Time) to March 29, 2021 at such time that is convenient to the Court, or as soon thereafter as the Court may determine.

2. On January 13, 2021, the Court entered its *Agreed Order Granting Debtor’s Motion for a Temporary Restraining Order against Certain Entities Owned and/or Controlled by Mr. James Dondero* [Docket No. 20], pursuant to which the Parties agreed to a temporary restraining order against the Defendants (the “**Initial TRO**”).

3. On February 10, 2021, the Court entered its *Agreed Order Extending Temporary Restraining Order* [Docket No. 64], pursuant to which the Parties agreed to an extension of the TRO (the “**First Extended TRO**”).

4. Contemporaneously with the filing of this Motion, the Parties are submitting to the Court their proposed *Agreed Order Further Extending Temporary Restraining Order*, pursuant to which the Parties have agreed to a further extension of the First Extended TRO (the “**Second Extended TRO**,” and together with the Initial TRO and the First Extended TRO, the “**TRO**”).

5. Pursuant to the Second Extended TRO, the Parties have agreed to the TRO being in effect through the earlier of (a) the Effective Date of the Plan, or (b) the Court’s entry of an order determining the Debtor’s Injunction Motion, “which the Parties will seek to have heard on March 29, 2021, or as soon thereafter as the Court may determine”

6. Good cause exists to continue the hearing in light of the Parties’ agreement with respect to the Second Extended TRO.

7. Furthermore, contemporaneously with the filing of this Motion, the Parties are also submitting requests to continue hearings on Defendants’ *Motion to Dismiss Plaintiff’s Complaint* [Docket No. 43] (the “**Motion to Dismiss**”) in the above-captioned adversary proceeding and on the *Application for Allowance of Administrative Expense Claim* [Docket No. 1826] (the “**Administrative Claim Application**”) in the underlying bankruptcy proceeding. The Injunction Motion, Motion to Dismiss and Administrative Claim Application involve similar parties, allegations and issues. Accordingly, the Parties believe that having all of these related matters heard by the Court on the same date is the most efficient and cost-effective use of the Court’s and the Parties’ time and resources.

8. This Motion is made in good faith and not for purposes of delay.

WHEREFORE, the Parties respectfully request that the Court grant the Motion and continue the hearing on the Injunction Motion to March 29, 2021, or such other date that the Court may determine, and grant such other and further relief that is just and necessary.

Dated: February 16, 2021

K&L GATES LLP

/s/ A. Lee Hogewood, III

A. Lee Hogewood, III (*pro hac vice*)
4350 Lassiter at North Hills Ave., Suite 300
Raleigh, NC 27609
Telephone: (919) 743-7306
E-mail: Lee.hogewood@klgates.com

Stephen G. Topetzes (*pro hac vice*)
1601 K Street, NW
Washington, DC 20006-1600
Telephone: (202) 778-9328
E-mail: stephen.topetzes@klgates.com

Artoush Varshosaz (TX Bar No. 24066234)
1717 Main Street, Suite 2800
Dallas, TX 75201
Telephone: (214) 939-5659
E-mail: artoush.varshosaz@klgates.com
- and -

MUNSCH HARDT KOPF & HARR, P.C.

Davor Rukavina
Texas Bar No. 24030781
Julian P. Vasek, Esq.
Texas Bar No. 24070790
3800 Ross Tower
500 N. Akard Street
Dallas, Texas 75201-6659
Telephone: (214) 855-7500
Facsimile: (214) 855-7584
E-mail: drukavina@munsch.com

*Counsel for Highland Capital Management Fund
Advisors, L.P., NexPoint Advisors, L.P., Highland
Income Fund, NexPoint Strategic Opportunities Fund,
and NexPoint Capital, Inc.*

- and -

PACHULSKI STANG ZIEHL & JONES LLP

Jeffrey N. Pomerantz (CA Bar No. 143717)
Ira D. Kharasch (CA Bar No. 109084)
John A. Morris (NY Bar No. 266326)
Gregory V. Demo (NY Bar No. 5371992)
Hayley R. Winograd (NY Bar No. 5612569) 10100
Santa Monica Blvd., 13th Floor
Los Angeles, CA 90067
Telephone: (310) 277-6910
Facsimile: (310) 201-0760
E-mail: jpomerantz@pszjlaw.com
ikharasch@pszjlaw.com
jmorris@pszjlaw.com
gdemo@pszjlaw.com
hwinograd@pszjlaw.com

- and -

HAYWARD PLLC

/s/ Zachery Z. Annable
Melissa S. Hayward
Texas Bar No. 24044908
MHayward@HaywardFirm.com
Zachery Z. Annable
Texas Bar No. 24053075
ZAnnable@HaywardFirm.com
10501 N. Central Expy, Ste. 106
Dallas, Texas 75231
Telephone: (972) 755-7100
Facsimile: (972) 755-7110

Counsel for Highland Capital Management, L.P.

CERTIFICATE OF SERVICE

I hereby certify that on February 16, 2021, I caused the foregoing document to be served via electronic mail through the Court's CM/ECF system to the parties that have requested or consented to such service.

/s/ A. Lee Hogewood, III
A. Lee Hogewood, III